GOVERNMENT NOTICE NO. 37

THE CONSTITUTION OF THE REPUBLIC OF MALAWI

IN THE MATTER OF CONSTITUTION (AMENDMENT) BILL, 2021

(NO. 19 OF 2021)

CERTIFICATION OF COMPLIANCE WITH THE AMENDMENT PROCEDURE UNDER SECTION 196 (3) OF THE CONSTITUTION

WHEREAS Government intends to establish the office of the Deputy Chief Justice and provide for the appointment of judges on a fixed term contract under section 111 of the Constitution;

AND WHEREAS Government intends to amend section 119 of the Constitution by excluding the application of section 119 (1) of the Constitution to judges appointed on a fixed term contract and to amend the conditions for the removal of a judge from office under section 119 (2) of the Constitution;

AND WHEREAS a Bill to amend sections 111 and 119 of the Constitution has been published in the Malawi Government *Gazette* dated 2nd July, 2021, and entitled Constitution (Amendment) Bill, 2021;

AND WHEREAS section 196 of the Constitution provides that Parliament may, save where the amendment does not affect the substance or effect of the Constitution as so certified by the Speaker of the National Assembly, amend section 196 of the Constitution and the sections of the Constitution listed in the Schedule only if the provision to be amended and the amendment to it has been put to a referendum of the people of Malawi and the majority of those voting have voted for the amendment;

AND WHEREAS the Attorney General has expressed the legal opinion that the amendments recommended in the Bill do not affect the substance or effect of the Constitution complies with the amendment procedure under section 196 (3) of the Constitution;

NOW, THEREFORE, I, CATHERINE GOTANI HARA, Speaker of the National Assembly, pursuant to the powers conferred by section 196 (3) (*b*) of the Constitution, HEREBY CERTIFY that the amendments proposed by the Constitution (Amendment) Bill, 2021, do not affect the substance or effect of the Constitution; and accordingly the Bill may be presented to the National Assembly without the amendments proposed therein being put to a referendum.

Made this 2nd day of July, 2021.

C. G. HARA
Speaker of the National Assembly

(FILE NO.: MIN. OF JUSTICE D. 1/II)